



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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May 10, 2006

TO: Washington State Board of Health Members

FROM: Kim Marie Thorburn, MD, MPH, Chair

SUBJECT: PROPOSED PERMANENT HIV REPORTING RULE

Background and Summary

The State Board of Health has authority under RCW 70.24.125 to adopt rules for reporting sexually transmitted diseases and under RCW 43.20.050(2) to adopt rules for controlling all diseases. This authority is the basis for communicable disease reporting requirements contained in chapter 246-101 WAC. In 1999, the Board adopted rules to require reporting of asymptomatic cases of infection with the human immunodeficiency virus (HIV) in addition to cases of AIDS. Because of public concerns over data security, the Board required that the names of asymptomatic people infected with HIV be changed to code within 90 days.

The Ryan White Care Act provides federal funding for state and local programs that serve people living with HIV and AIDS. Federal funding is allocated by the Health Resources and Services Administration (HRSA) based on the number of cases in each state. The states provide surveillance data to the Centers for Disease Control and Prevention (CDC), which then provides data to HRSA. Beginning in Federal Fiscal Year 2007, to get full federal funding, the states must maintain the names of asymptomatic cases of HIV infection that are reported to CDC; although, the state will not report the names to CDC.

The Board adopted an emergency rule on March 8, 2006 to allow the Department of Health (DOH) to maintain records of names of HIV-infected cases and to re-determine the names previously converted to code. The emergency rule is in effect a maximum of 120 days. DOH is asking the Board to adopt a permanent rule revision to require DOH to maintain the names of asymptomatic HIV-infected persons and to re-determine the names converted to code in past years; require laboratories to report certain HIV-related test results to DOH; require extra security for such data; and require DOH to report to the Board about issues related to HIV case reporting and testing by December 2007. The permanent rule would also allow local health jurisdictions to keep records of names of HIV-infected cases and require the state health officer to review the security of that data biennially.

The provisions of local health jurisdiction retention of records by name and security of that data are of particular concern to some community members. A public hearing on the permanent rule is tentatively scheduled for the June 14 Board meeting in Seattle.

Maria Courogen, manager and lead epidemiologist of the Assessment Unit of the DOH Office of Infectious Disease and Reproductive Health (IDRH), and John Peppert, acting director of IDRH, are here to brief the Board on this issue. Please note materials behind Tab 07 for his presentation.

Recommended Board Action

None at this time.